

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

CYNTHIA ALVARADO

Petitioner,

v.

JOHN E. WETZEL,
Secretary of the Pennsylvania Dept. of
Corrections, *et al.*,

Respondents.

No. 2:16-cv-3586

ORDER

AND NOW, this 10th day of July, 2019, upon consideration of the Petition for Writ of Habeas Corpus, ECF No. 1; Petitioner's Memorandum of Law, ECF No. 5; the Response in Opposition, ECF No. 11; Petitioner's Reply, ECF No. 16; the Report and Recommendation, ECF No. 17; and Petitioner's Objections, ECF No. 22, and for the reasons expressed in the Opinion issued this date, **IT IS ORDERED THAT:**

1. The Report and Recommendation is **APPROVED AND ADOPTED IN PART and REJECTED IN PART**.
2. Petitioner's Objections are **SUSTAINED IN PART**.
3. The petition for a writ of habeas corpus is **CONDITIONALLY GRANTED**.
4. Petitioner's state convictions and sentence are **VACATED**.
5. The matter is **REMANDED** to the Court of Common Pleas of Philadelphia County.
6. **Within one hundred twenty (120) days** of the date of this Order, the Commonwealth of Pennsylvania **SHALL** either retry Petitioner or release her.
7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge